ESTTA Tracking number:	**ESTTA651452**
Filing date:	**01/21/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059235
Party	Plaintiff Nite Ize, Inc.
Correspondence Address	ROBERT P ZIEMIAN PATTON BOGGS LLP 1801 CALIFORNIA STREET, SUITE 4900 DENVER, CO 80202 UNITED STATES IPDocketing@pattonboggs.com, rziemian@pattonboggs.com, tcope@pattonboggs.com
Submission	Motion for Summary Judgment
Filer's Name	Robert P. Ziemian
Filer's e-mail	IPDocketing@pattonboggs.com, robert.ziemian@squirepb.com, theresa.cope@squirepb.com, ipfiles04@pattonboggs.com
Signature	/RPZ/
Date	01/21/2015
Attachments	SubmissionswithMotionforSummaryJudgement.pdf(88367 bytes) ExhibitO2.pdf(3981333 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 4179235
Mark: NITEYE

_____

NITE IZE, INC.,	)	
	)	
Petitioner,	)	Cancellation No. 92059235
	)	
v.	)	
	)	
ZHANGWEI MO,	)	
	)	
Respondent.	)	

MISCELLANEOUS LETTER

Petitioner Nite Ize, Inc. ("Petitioner" or "Nite Ize"), through undersigned counsel, submits the following 11 separate submissions as split out below due to the 6MB restriction on filings.

Submission	Contents
1	Motion for Summary Judgement
	Declaration of Clint Todd
	Exhibit A through Exhibit E
2.	Exhibit F1
3.	Exhibit F2
4.	Exhibit G through Exhibit M
5.	Exhibit N
6.	Exhibit N1
7.	Exhibit N2
8.	Exhibit O
9.	Exhibit O1
10.	Exhibit O2
11.	Exhibit O3

Dated January 21, 2015

Respectfully submitted,
SQUIRE PATTON BOGGS (US) LLP

By: _____

Robert P. Ziemian
2550 M Street, NW
Washington DC 20037
Telephone: 303-894-6330
Fax: 303-894-9239
Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on this 21st day of January 2015, a copy of the foregoing documents listed in submissions 1-11 was served by e-mail and by first class mail to the following:

P. Jay Hines
Muncy, Geissler, Olds & Lowe P.C.
4000 Legato Road, Suite 310
Fairfax, Virginia 22033
E-mail: jh@mg-ip.com

/Theresa Cope/

NITEDAWG DISC™

LED SOFT DISC

The Nite Ize Nite Dawg Disc is soft to the touch, easy to catch, and, with its battery-powered LED, it provides hours of after dark fun for you and your four-legged buddy.

Made of flexible nylon, this pliable, lightweight, LED powered flying disc is just as easy and fun for you to throw as it is for your dog to catch. Its soft, durable nylon construction is mouth-friendly and extra easy on canine gums and teeth, and it's lightweight flexibility makes running and jumping with it a breeze. Inside the double-stitched housing is a fully protected battery compartment with a canine-resistant cap, plus an on/off switch that activates the red LED-transmitting polymer that illuminates the entire outer rim. Press once for a steady glow and twice for flashing, and enjoy hours of early evening catch under the stars.

⊕ Available in bright Red LED that features both
　Glow & Flash Modes

⊕ Push-button on/off/flash switch

⊕ Dog-safe battery cover

⊕ Battery Run Time: 100 hours

⊕ Product Dimensions: 8.13" x 8.13" x .68" |
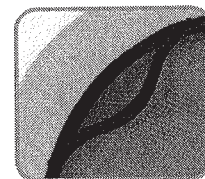　224.3mm x 224.3mm x 18.2mm

⊕ Weight: 2.75 oz

NOT A CHEW TOY. USE WITH CONSTANT SUPERVISION. DO NOT LEAVE UNATTENDED WITH THE ANIMAL.
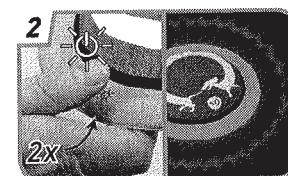
Retail Packaging Dimensions:
9.75"H x 8.75"L X .5"D
247.7mm H x 222.3mm W x 12.7mm D
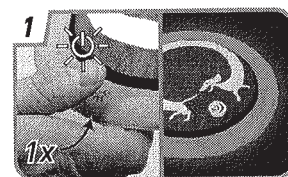
GLOW MODE

CARRY LOOP

FLASH MODE

CONTAINS INACCESSIBLE,
NON-REPLACEABLE BATTERIES.

PETLIT™

LED Collar Light

See Spot. See Spot run. See Spot run (walk, or just sit there) from up to 100 feet away, even when it's dark.

The Nite Ize PetLit LED Collar Light is a specially designed, battery-powered bright white LED that you can clip securely to your pet's collar, keeping him or her stylish and visible at all hours of the day and night. Made of durable plastic, with playful designs, its bright light is easy to activate with a simple twist. It's a fun, yet reliable way to keep your furry friend safe and visible when you're out hiking, camping, running, walking, or playing in the park—and all other early morning or late evening romps.

+ Available in bright White LED illumination
+ Five fun options: New Blue Burst and Red Fire Hydrant - Plus Green Paw, Clear Jewel and Pink Jewel
+ Compact, convenient illumination
+ Battery run time: 24 hours
+ Includes easily replaceable battery – CR 927 3V Lithium
+ Weather resistant
+ Secure clip – easy to attach and remove from the D-Ring of a pet's collar
+ Twist on/off
+ Product Dimensions: 1.7" x 1" x .5"
  Weight: .15 oz
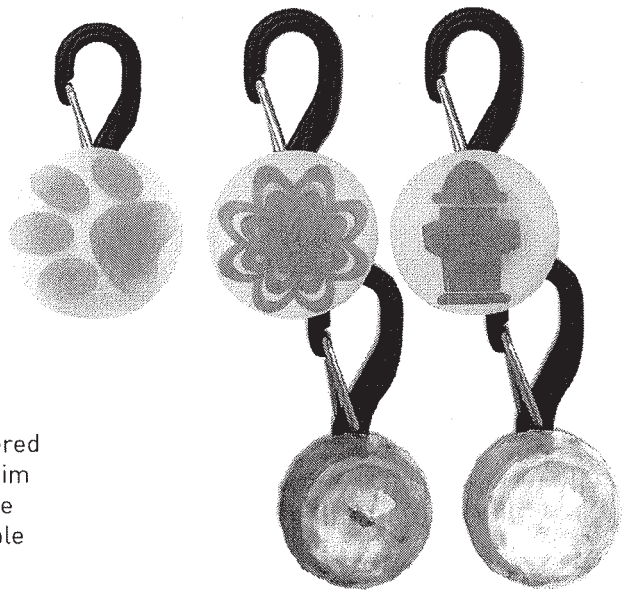
Retail Packaging Dimensions:
3.7"H x 1.7"L X 0.6"D
94mm H x 43.2mm W x 0.6mm D

DOG DISCUIT™

LED Light-Up Flying Disc
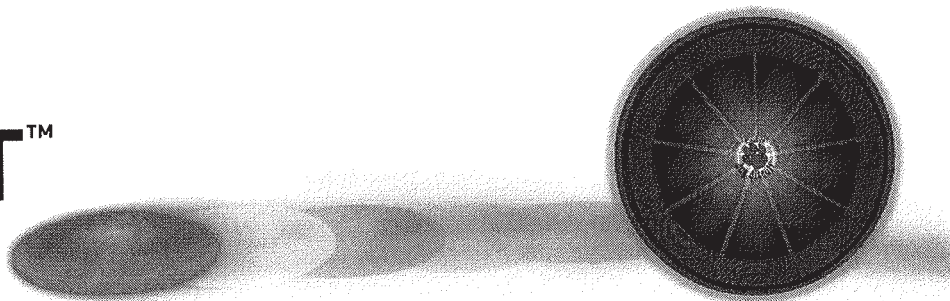
Warm summer nights were made for you, your dog, and our Nite Ize Flashflight Dog Discuit. (And so were cool fall evenings, brisk winter dawns, and foggy spring afternoons, for that matter.)

Designed for superior flight, our Flashflight LED Dog Discuit is a soft-touch plastic flying disc made specifically for nighttime play with your disc-loving dog. It's illuminated by a super-efficient, long-lasting LED, so it glows brightly in the dark. The Dog Discuit is not only super fun, it's mouth friendly, bite durable, and has a canine-resistant cap that helps prevent dogs from chewing off the battery and LED housing. Available in our fun, color changing Disc-O LED color, the Dog Discuit comes with two replaceable, long-life batteries, for endless seasons of fun under the stars.

⊕ Available in our fun, color changing Disc-O LED color

⊕ Weight 130 grams

⊕ Easily replaceable 2 x 2016 3V lithium batteries included

⊕ Push-button on/off switch

⊕ Dog-safe battery cover

⊕ The Flashflight Dog Discuit is not a chew toy. It is intended to be an exercise toy used in a supervised setting.

⊕ **NOT A CHEW TOY.** Use with constant supervision. Do not leave unattended with the animal.

flashflight

Retail Packaging Dimensions:
9.5"H x 8.3"W x 1"D
144.8mm H x 96.5mm W x 25.4mm D
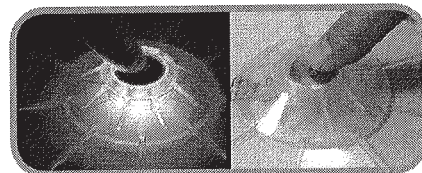
PUSH BUTTON ON/OFF SWITCH

flashflight®

Hole-In-One

Here's an ace idea for disc golfers with day jobs: snap our Flashflight Hole-In-One LED module onto your favorite disc golf disc, and let the nighttime games begin!

With a simple hole punch (included in every package) any golf disc can be instantly retrofitted with the Flashflight Hole-In-One, an LED module that emits bright light with a quick press of the button. This ingenious little device makes it easy—and a lot more fun—to keep the game going from dusk to dawn. The Hole-In-One is water-resistant, powered by two long-lasting, fully replaceable 2016 lithium batteries, lightweight and fully balanced, so it won't interfere with the performance of your disc. The innovative design allows for bright LED illumination, while remaining securely fastened during play. See you on the fairways!

Press once for steady glow, twice for flash mode. (Also functions as an excellent locating device when a gust from the gods sends your disc into the spinach.)

⊕ Bright White LED illumination

⊕ Easily replaceable batteries included – 2x 2016 3V Lithium

⊕ Easily retrofits any disc golf disc

⊕ 10g – lightweight

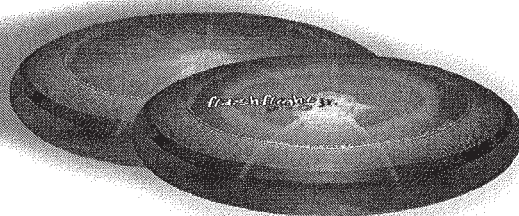⊕ Will not alter flight characteristics

⊕ Flash or Glow Modes

Retail Packaging
Dimensions:
5.7"H x 5.0"L X 0.7"D

flashflight® jr.
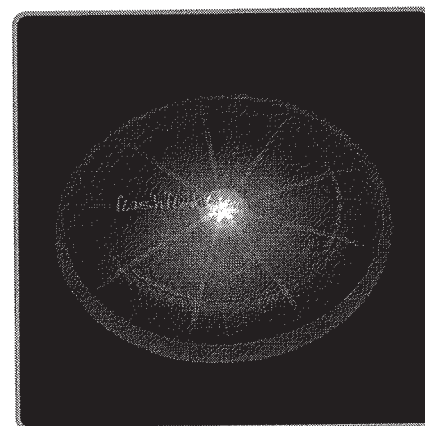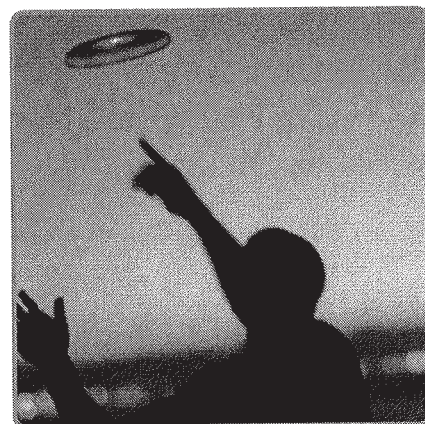
LED Light-Up Flying Disc

Our Flashflight Jr. scores big on every level: flight, feel, function - and most of all, fun.

Here are a just a few things our customers have said about this slightly smaller, lighter version of our incredibly popular Flashflight: "Best money we ever spent on a family toy." "Entertainment factor of 11, on a 1-to-10 scale." "We couldn't wait for the sun to go down every night to play."

We love hearing it, because we put a lot of effort into its design. Made with soft-touch materials, the Flashflight Jr. weighs 120 grams, and is easy and comfortable to catch. It flies so well, you'll want to reach for it even during the day.

But this little puppy was made for nighttime fun-and endless hours of it, at that. With a push of a button, its long life (100,000 hour) Flashflight LED lights up and a simple game of catch becomes colorful, attention-getting entertainment. It's perfect for lawn games, beach parties, picnics, and camping.

⊕ 120 grams

⊕ 8.25" diameter

⊕ Soft-touch - easy to catch

⊕ Easily replaceable 2 x 2016 3V lithium batteries included

⊕ Push-button on/off switch

⊕ Available in 2 LED colors: Disc-O (micro-chip controlled LED cycles through the color spectrum)

⊕ Customization Available - Print your logo or company name.

Retail Packaging Dimensions:
10.8"H x 8.3"W x 1"D
274.3mm H x 210.8mm W x 25.4mm D

flashflight®

LED Light-Up Flying Disc

With its innovative design and super-bright illumination, our Flashflight LED light-up flying disc is suitable for serious sport. It's also an incredibly fun toy.

The Flashflight was designed by a professional Ultimate player, so it performs beautifully. Made of lightweight, durable materials, with true balance and long, straight flight, it weighs in at 185 grams and looks, feels, and flies like the highest quality non-illuminated discs. In other words, you'll want to reach for it even during the day.

But at night, with a simple press of the switch, the long-life (100,000 hours) Flashflight LED lights up with a patented fiber-optic array that extends to its rim, so the entire disc is illuminated from every angle. Available in 4 bright colors, it provides endless hours of nighttime entertainment, for everyone from the serious athlete to your crazy Uncle Max. Great for lawn, park, and beach games, it's water-resistant and comes with easily replaceable, long-life batteries.

- ⊕ 185 grams
- ⊕ 10.5" diameter
- ⊕ Easily replaceable 2 x 2016 3V lithium batteries included
- ⊕ Push Button On/Off Switch
- ⊕ Water resistant - floats!
- ⊕ Available in 4 LED colors; Red, Blue, Green, Disc-O (micro-chip controlled LED cycles through the color spectrum)
- ⊕ Attractive foil stamp design
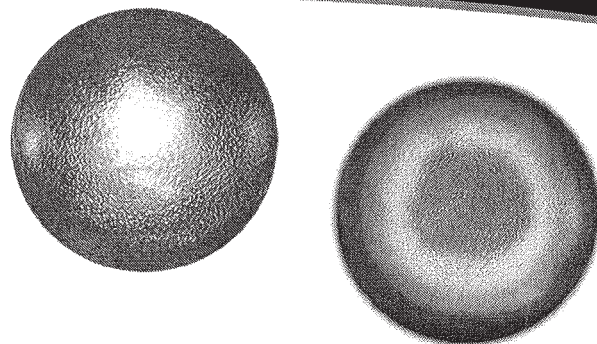- ⊕ Customization Available - Print your logo or company name.
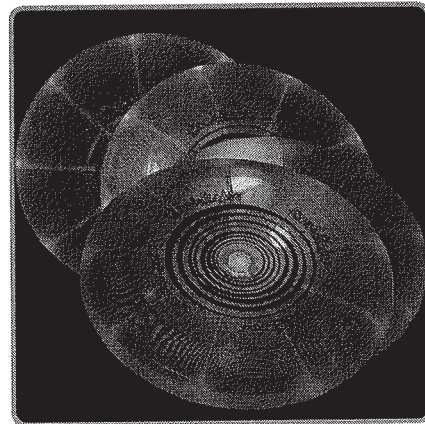
Retail Packaging Dimensions:
11.8"H x 10.3"W x 1.3"D
300mm H x 262mm W x 33mm D

METEORLIGHT™

LED Ball

Have a ball in the dark with our durable, water-resistant Meteorlight.

Our Meteorlight LED Ball is the perfect toy for nighttime games and the people who like to play them. Just push the button to activate its long-life (100,000 hour) LED, and let the after-sundown fun begin! With its bright, steady glow, the Meteorlight is excellent for throwing, catching, rolling, bouncing, juggling - or any combination of all of the above - in the dark. Made of extra-durable thermo plastic rubber, the tennis ball-sized Meteorlight is water-resistant, floats, and comes with two long-life, easily replaceable batteries.

⊕ Turn on and off by pressing and holding switch - will not turn off when bounced.

⊕ Easily replaceable 2 x 2016 3V lithium battery included

⊕ Molded with durable thermo plastic rubber

⊕ Available in 2 LED colors - Red and Disc-O (micro-chip controlled LED that cycles through the color spectrum)

⊕ Diameter: 2.55" (64.7mm)

⊕ Weight: 4.5 oz. (128g)
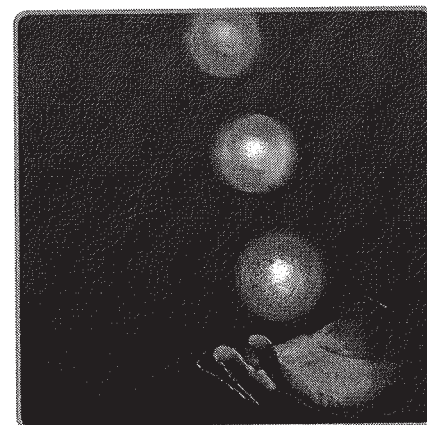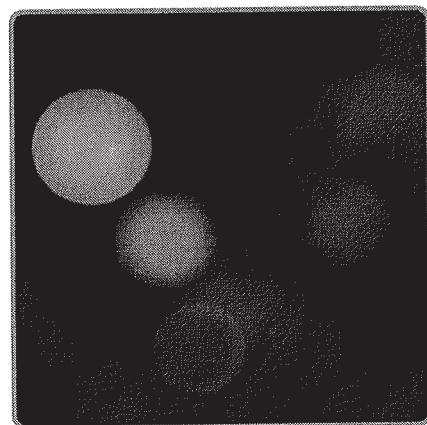
Retail Packaging Dimensions:
5.63"H x 3.75"W x 2.5"D
143mm H x 95.3mm W x 63.5mm D
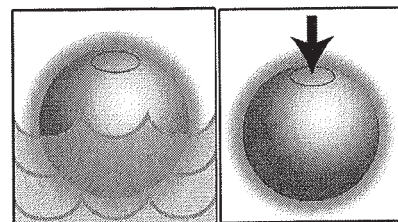
KEYLIT™

S-Biner® LED

**We wondered, would anything make our Nite Ize Key Rack cooler than it already is?
And then it hit us:
Yes. An LED light would.**

The KeyLit is functional, compact, useful, and (for lack of a better word) cool-looking. Its high quality stainless steel carabiner clip has a secure gate closure on one end, allowing you to clip your keys to an existing key ring, belt loop, purse strap, zipper pull-anything with a loop or D-ring. The other end holds six different-colored plastic S-Biners, perfectly sized to hold 6 separate keys. And between the two, we've added a bright LED. that provides instant flood illumination with a press of a button.

The 6 removable S-Biners make it easy for you to identify your keys by color, attach and release them individually with ease. No more fiddling with split rings or fumbling to find the key you need-the KeyLit is perfect for quick and easy sharing of keys with family members, leaving a key for a valet or babysitter, and taking a single key when you're out on a run or ride. The LED has two modes- steady glow (to find a key, key hole, or navigate your path to and from the car), and continuous flash (to alert others to your presence or whereabouts in the dark.) Powered by two easily replaceable batteries (included), the LED can be seen for up to a mile's distance, and provides years of dependable illumination. All in all, our KeyLit is truly the ultimate key ring.

⊕ Packaged with 6 Plastic Size #0 S-Biners - combining the innovation and versatility of the S-Biner to provide unique functionality and access to your keys.

⊕ 6 different color S-Biners allow for easy identification of similar style keys - no more guessing!

⊕ Features a durable stainless steel carabiner clip which allows you to clip the Key Rack to an existing key chain, purse, jacket, strap or other convenient location.

⊕ Bright Glow & Flash White LED provides flood illumination in two modes: Glow & Flash

⊕ Run Times: Glow Mode: 20 hours | Flash Mode: 25 hours

⊕ Easily replaceable 2 x 2016 3V lithium battery included

⊕ Weather resistant
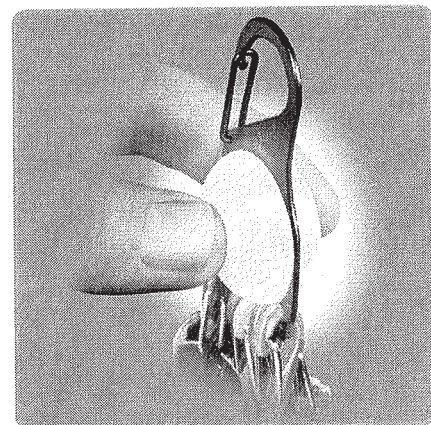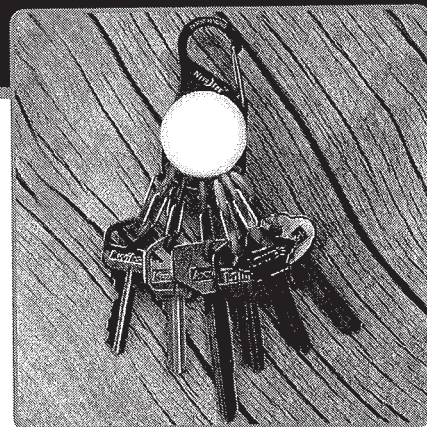
**Retail Packaging
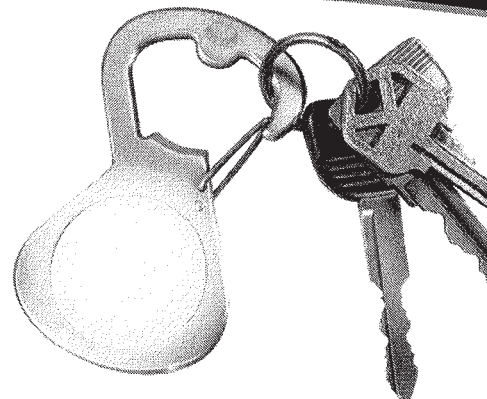Dimensions:**
4.75"H x 2.1"W x 0.5"D
120.7mm H x 54mm W x 17.1mm D

GETLIT™

LED

**For convenient illumination and hydration, our S-Biner GetLit is a revelation - instantly transforming its owner to the life of the party.***

The S-Biner GetLit is two handy devices in one. Its bottle-opener top features a high quality stainless steel carabiner clip with a secure gate closure, so you can easily attach it to a backpack strap, key ring, cooler/tackle box/ski bag handle, zipper pull, belt loop - anything with a loop or D-ring. Simple to unhook and reattach, it's the perfect go-anywhere bottle opener, and with its built-in LED, it's a perfect anytime area light too. One quick press of the thumb activates bright, glowing light (press twice for flash mode), enabling you to see which beverage you're opening and otherwise find your way around when it's dark outside.

***Disclaimer**: Although we can't guarantee "Life Of Party" transformation, informal studies have shown that it happened more often than not to subjects carrying the GetLit at gatherings of thirsty people at night.
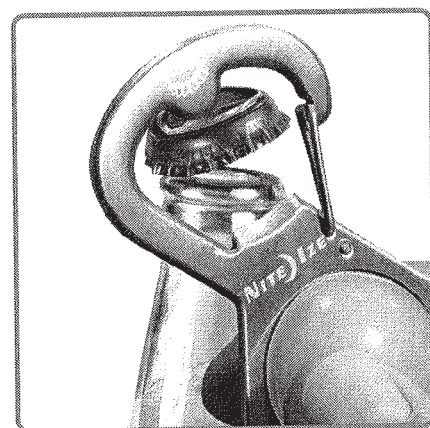
⊕ High quality Stainless Steel for durability and functionality.
⊕ Bright white LED illumination
⊕ Weather resistant construction
⊕ Push button switch activates Glow and Flash modes
⊕ Battery run time: Glow mode: 20 hours, Flash mode: 25 hours
⊕ Easily replaceable 2 x 2016 3V lithium battery included
⊕ Secure stainless steel spring clip easily clips anywhere you need a little light!
⊕ Product Dimensions: 3.2" x 1.8" x .85"
⊕ Weight: .1lbs. / .05kg
⊕ Customization Available - Print your logo or company name.
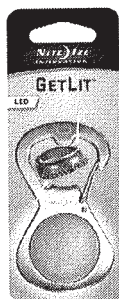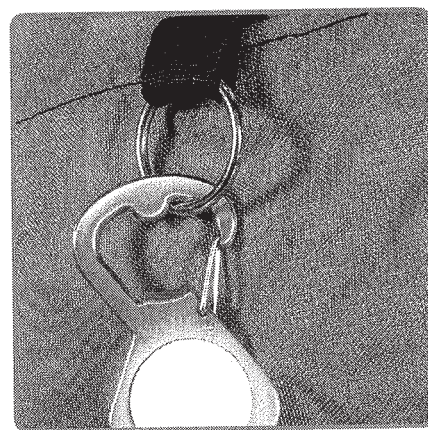
Retail Packaging
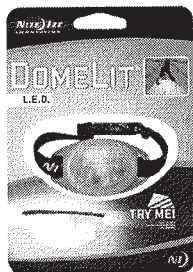Dimensions:
4.75"H x 2.1"W x 0.5"D
120.7mm H x 54mm W x 17.1mm D

DomeLit™

LED Area Light

The DomeLit illuminates a four-foot area with the push of a button, creating instant visibility wherever you hang, hook, wear, or stick it.

Our DomeLit is a multi-functional LED area light that's as transportable as you need it to be. Attached to a loop of adjustable elastic, the DomeLit can be hung wherever there's a hook, bar, pole, or tree branch that it can be looped around. Once there, with a simple press of a button, it creates instant flood illumination. Perfect for tents, garages, sheds, and workrooms, the DomeLit can also be worn around your wrist or strapped to your ankle to increase personal visibility when you're working or playing outdoors at night. For semi-permanent placement, we've included an adhesive strip of hook-and-loop, which you can affix to the surface of your choice. Attach one side to the DomeLit, the other to the inside of a dark cupboard or closet, press them together, and voila! Instant overhead lighting. Powered by two replaceable, long-lasting Lithium batteries (included), the DomeLit has two modes to choose from: steady glow (for reading, working, and navigating), and continuous flash (for safety and signaling).

⊕ Portable LED Area Light - package includes DomeLit LED Light and
　1) adhesive hook & loop for attachment.
　2) adjustable, removable strap with quick release buckle for hanging or wearing.

⊕ Parabolic lens creates a flood beam that illuminates a 4 foot area

⊕ Bright Glow & Flash White LED provides flood illumination in two modes:
　Glow & Flash
　- Run Time Glow Mode: 20 hours
　- Run Time Flash Mode: 25 hours

⊕ Easily replaceable 2 x 2016 3V lithium battery included

⊕ Weather resistant

⊕ Simple push-button on/off operation

Retail Packaging Dimensions:
6.5"H x 4.5"W x 0.8"D
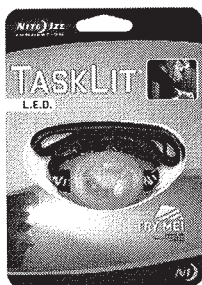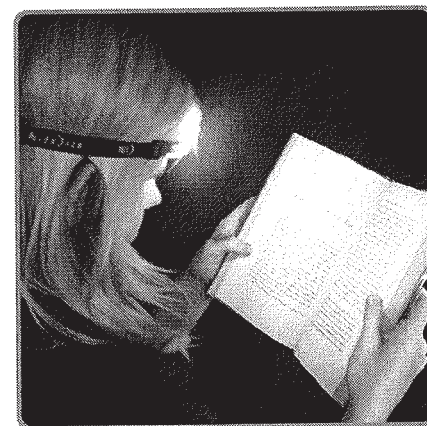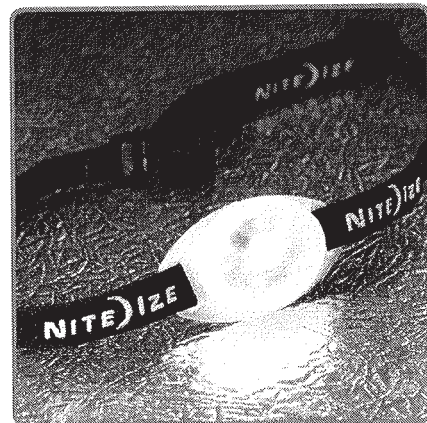165mm H x 114.3mm W x 20.3mm D
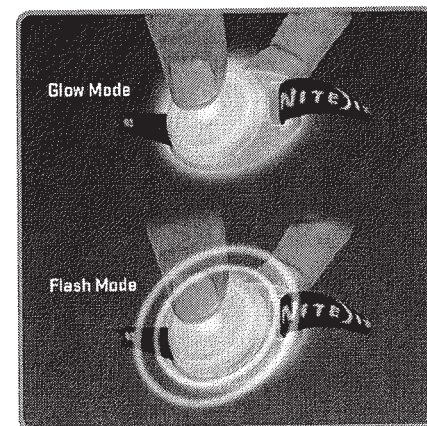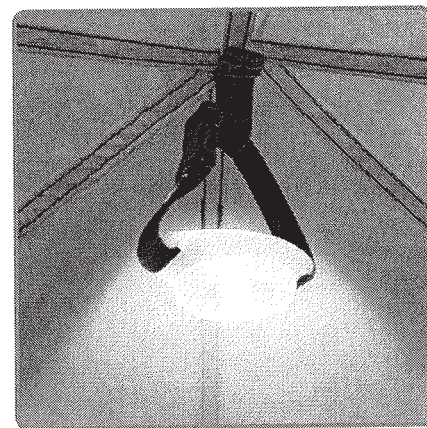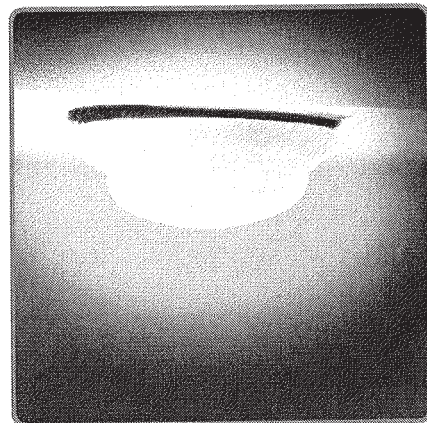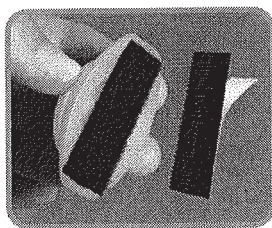
TASKLIT™

LED

The bright, ambient glow of our ultra-light, comfortable LED TaskLit headlamp shows you the way in the dark, without blinding everyone else in the process.

The TaskLit is the perfect hands-free nighttime lighting device. Its parabolic LED lens illuminates a four-foot area with a full flood beam that's gentle on night vision - yours and everyone else's. Made with a high-quality elastic headband that adjusts easily to fit any head size, it weighs only .8 ounces, so it's easy to carry and comfortable to wear. Push the water-resistant lamp once for steady glow mode (for reading, working, and navigating in the dark), twice for continuous flash (for running, cycling, or any time you want to alert others of your presence). Our TaskLit comes with long-life replaceable batteries, and is available in white.

⊕ Parabolic LED Lens provides a flood beam that illuminates a 4 foot area, creating the perfect hands- free task light

⊕ Glow Mode - LED area light / battery life: 20 hours

⊕ Flash Mode - for safety & signaling / battery life: 25 hours

⊕ Weight: .8 ounces / 23 grams

⊕ Easily replaceable 2 x 2016 3V lithium battery included

⊕ Water resistant

⊕ High quality woven elastic headband adjusts from 14" - 27" to comfortably fit any head size.

⊕ Available in White

Retail Packaging
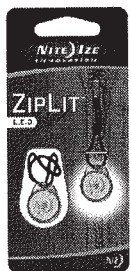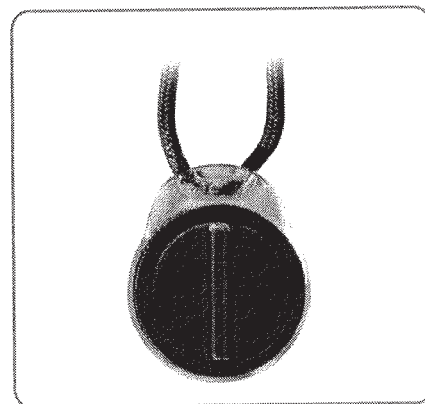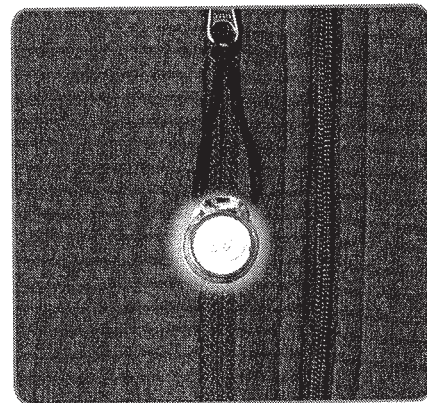Dimensions:
6.5"H x 4.5"W x 0.8"D
165mm H x 114.3mm W x 20.3mm D

ZipLit™

LED

Loop the ZipLit LED through the zipper of your favorite jacket, backpack or purse, and you'll always have light with you, wherever you go.

The ZipLit is a simple-yet-indispensible little illumination device, threaded with durable cord that's easy to loop, cinch, and attach to the end of almost any jacket, coat, backpack, or purse zipper, and just as easy to remove. Encased in durable, water-resistant plastic housing, its bright LED provides instant visibility whenever you need it, so you can see your surroundings better and others can see you. The ZipLit is the perfect way to increase the personal safety of kids walking to school, dog walkers, runners, campers - anyone out early in the morning or late at night.

⊕ Combines a functional zipper pull with a bright LED light

⊕ Easy to attach

⊕ Easily replaceable 1 x CR927 3V lithium battery included

⊕ Twist on/off switch
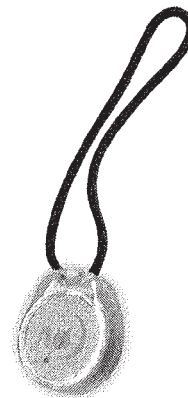
Two Pack
Retail Packaging Dimensions:
5.25"H x 2.3"L x 0.5"D
133.35 mm H x 58.4 mm L x 12.5 mm D

**Battery replacement:**

1 x CR927 3V
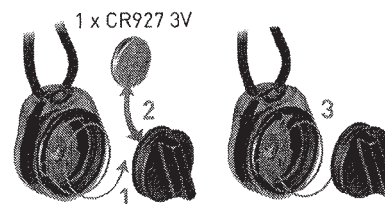
SHOELIT™

LED

With its bright LED and easy-to-attach locking gate, the ShoeLit brings a whole new meaning to "light on your feet."

Add a little lightness and a lot of safety to your early morning/late evening run with the ShoeLit. Made with a bright colored LED (to match the decorative tops) in a water-resistant casing backed by a durable stainless steel locking gate, it attaches quickly and securely to shoe laces. Once in place, it's easy to activate - a quick twist turns it on and off. Featuring a passively reflective pattern as well, the ShoeLit is a great way to let others know you're out there. Great for kids, too.

- ⊕ Available in four eye-catching colors: Blue, Red, Pink, & Green
- ⊕ Features passively reflective pattern for safety when not illuminated
- ⊕ Secure clip: easy to attach and remove
- ⊕ Easily replaceable 1 x CR 927 3V Lithium battery included
- ⊕ Battery Run Time: 24 Hours
- ⊕ Dimensions: (Length x Width x Depth) 1.20" x 1.00" x 0.62" | 30.45mm x 25.30mm x 15.80mm
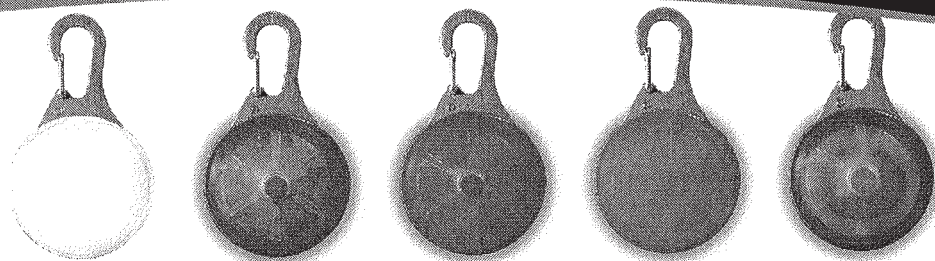- ⊕ Weight: 0.18oz | 5g
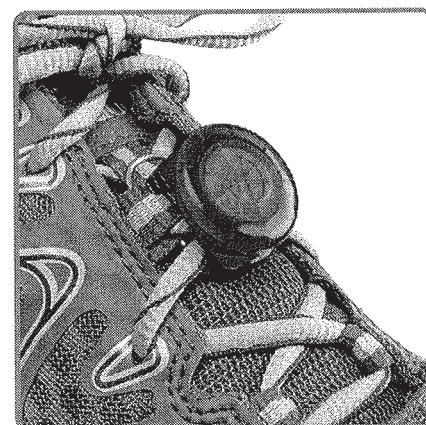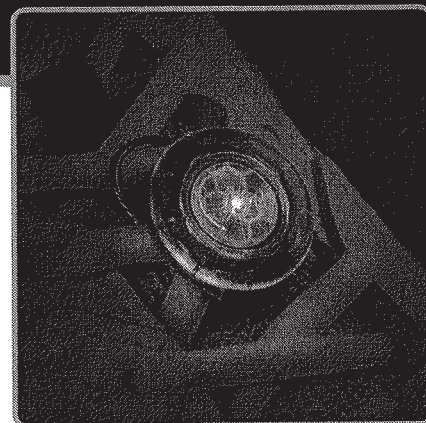
Retail Packaging Dimensions:
3.8"H x 1.7"W X 0.6"D
43.2mm H x 96.5mm W x 15.2mm D
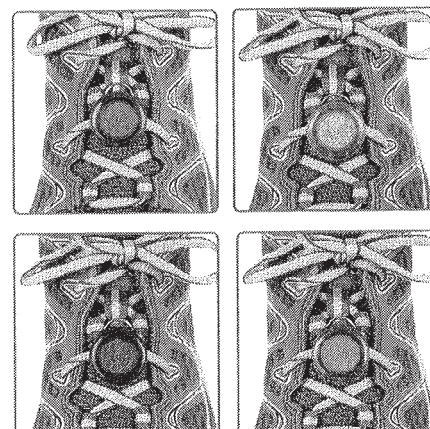
SpotLit™

LED Carabiner Light

This bright little LED carabiner is multi-functional, mega-useful, and overall, a mighty handy little device.

Our SpotLit LED is the perfect mini-beacon whenever you need a little help in the dark. Set in a lightweight stainless steel carabiner, it attaches quickly and securely to key rings, jackets - just about anything with a hook or zipper. Its long-lasting LED provides an ambient glow bright enough for everything from reading fine print to finding your car door keyhole. Attached to things like tent lines and camping gear, it provides instant location of hazards and necessities; attached to your person (jacket, backpack, running belt) it tells other people where you are, when they might not otherwise see you. Choose from two modes: press once for steady glow, twice for continuous flash. Water-resistant, long-life, replaceable batteries included.

⊕ Weather resistant

⊕ Secure stainless steel spring clip easily clips anywhere you need a little light!

⊕ Push button switch

⊕ Glow and flash modes

⊕ Battery run time:
Glow mode: 20 hours
Flash mode: 25 hours

⊕ Easily replaceable 2 x 2016 3V lithium battery included

⊕ Available with a white translucent body in the following LED colors: Red, White, Blue, Green, and Disc-O (micro-chip controlled LED that cycles through the color spectrum)

⊕ Available with a white LED in the following translucent body colors: Pink, Lime Green, or Orange

⊕ Dimensions: 2" x 1.25" x .75"

⊕ Weight: .6 ounces (17g)

⊕ Customization Available - Print your logo or company name
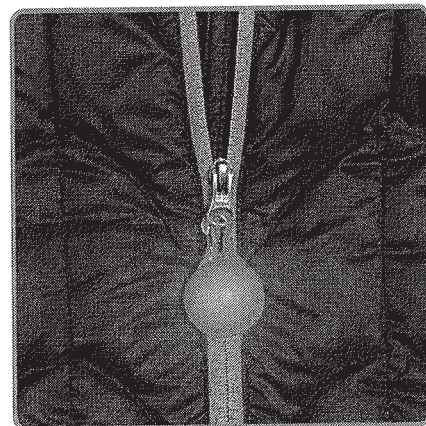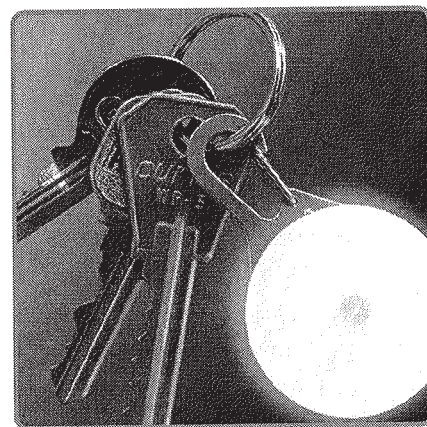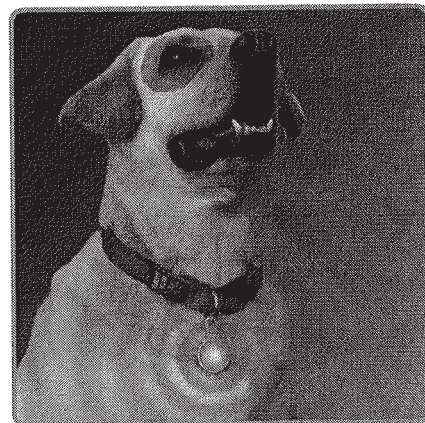
Retail Eco-Staple Packaging Dimensions: 3.9"H x 1.9"W x 1"D (99.1mm H x 48.3.3mm W x 25.4mm D)

Retail Round Packaging Dimensions: 4.3"H x 4.3"W x .75"D (109.2mm H x 109.2mm W x 19.1mm D)
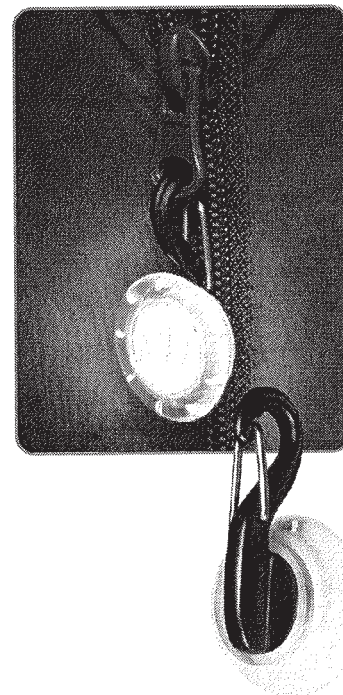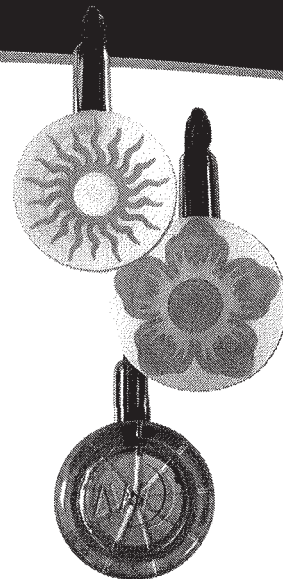
CLIPLIT™

Clip-On LED Zipper Pull

With its bright LED light and built-in carabiner, the Nite Ize® ClipLit™ LED is a truly go-anywhere illumination device.

The Nite Ize® ClipLit™ LED is a bright, water-resistant white light encased in durable, plastic housing and molded to a rugged plastic carabiner clip. Easy to activate—a quick twist turns it on and off—it's just as easy to clip onto and off of almost anything with a loop. Attach it to your key ring, belt loop, zipper pull, backpack or purse, and you'll have efficient, bright illumination wherever you are, whenever you want. The ClipLit™ is perfect for everything from reading fine print, finding a keyhole, or illuminating the path ahead after sunset. And, when it's attached to your clothing, it's a fun and stylish way to let people know where YOU are when it's dark, increasing your visibility and safety.

⊕ Available in Red LED, White LED, Orange Sun (White LED), or Blue Wild Flower (White LED)

⊕ Compact, convenient illumination

⊕ Battery run time: 24 hours

⊕ Includes easily replaceable battery – CR 927 3V Lithium

⊕ Weather resistant

⊕ Easy to attach and detach – secure clip

⊕ Twist on/off

⊕ Product Dimensions: 1.7" x 1" x .5"
Weight: .18 oz

Retail Packaging
Dimensions:
3.7"H x 1.7"L X 0.6"D